

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING

OFFENSE CHARGED

21 U.S.C. §§ 846, 841(a)(1), and (b)(1)(E)(i) – Conspiracy to Distribute and Possess with Intent to Distribute Anabolic Steroids;
 21 U.S.C. §§ 846, 841(a)(1), and (b)(1)(E)(i) – Attempted Possession with Intent to Distribute Anabolic Steroids;
 21 U.S.C. §§ 841(a)(1) and (b)(1)(E)(i) – Possession with Intent to Distribute Anabolic Steroids ⁺

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY: See attached sheet.

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

DEFENDANT - U.S.

▶ DANIEL JAMES HARRIS

DISTRICT COURT NUMBER
 4:23-cr-00268 HSG

FILED

Aug 16 2023

Mark B. Busby
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FBI

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:
☐ U.S. ATTORNEY ☐ DEFENSE

SHOW
DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE
CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person
 Furnishing Information on this form Ismail J. Ramsey

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned) Eric Cheng, Ajay Krishnamurthy, Alethea Sargent

DEFENDANT**IS NOT IN CUSTODY**

1) ☒ Has not been arrested, pending outcome this proceeding. If not detained give date any prior summons was served on above charges ▶

2) ☐ Is a Fugitive

3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

4) ☐ On this charge

5) ☐ On another conviction

☐ Federal ☐ State

6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST ▶

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY ▶

Month/Day/Year

☐ This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**

☐ SUMMONS ☐ NO PROCESS* ☒ WARRANT

Bail Amount: NO BAIL

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____ Before Judge: _____

Comments:

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED
 21 U.S.C. §§ 846, 841(a)(1), and (b)(1)(E)(i) – Conspiracy to Distribute and Possess with Intent to Distribute Anabolic Steroids
 18 U.S.C. § 1519 – Destruction, Alteration, and Falsification of Records in Federal Investigations

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY: See attached sheet.

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

DEFENDANT - U.S.▶ **DEVON CHRISTOPHER WENGER**DISTRICT COURT NUMBER
4:23-cr-00268 HSG**FILED**

Aug 16 2023

 Mark B. Busby
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO
PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FBI

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:
☐ U.S. ATTORNEY ☐ DEFENSE
SHOW
DOCKET NO.
☐ this prosecution relates to a pending case involving this same defendant
MAGISTRATE
CASE NO.
☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

 Name and Office of Person
 Furnishing Information on this form Ismail J. Ramsey
☒ U.S. Attorney ☐ Other U.S. Agency
 Name of Assistant U.S. Attorney (if assigned) Eric Cheng, Ajay Krishnamurthy, Alethea Sargent
DEFENDANT**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

 1) ☒ If not detained give date any prior summons was served on above charges ▶ _____
2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)
_____**IS IN CUSTODY**4) ☐ On this charge5) ☐ On another conviction☐ Federal ☐ State6) ☐ Awaiting trial on other chargesIf answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

 If "Yes" give date filed

DATE OF ARREST ▶Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY ▶Month/Day/Year
_____☐ This report amends AO 257 previously submitted**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**☐ SUMMONS ☐ NO PROCESS* ☒ WARRANTBail Amount: NO BAIL

If Summons, complete following:

☐ Arraignment ☐ Initial AppearanceDefendant Address:

Date/Time: _____ Before Judge: _____

Comments:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

PENALTY SHEET (CONTINUED)

Count 1: Conspiracy to Distribute and Possess with Intent to Distribute Anabolic Steroids, 21 U.S.C. §§ 846, 841(a)(1), and (b)(1)(E)(i)

- Maximum Sentence: 10 years (21 USC § 841(b)(1)(E)(i))
- Maximum Fine: \$500,000 (21 USC § 841(b)(1)(E)(i))
- Maximum Length of Supervised Release: 3 years (18 U.S.C. § 3583(b))
- Special Assessment of \$100 per felony count (18 USC § 3013(a)(2)(A))

Count 2: Attempted Possession with Intent to Distribute Anabolic Steroids, 21 U.S.C. §§ 846, 841(a)(1), and (b)(1)(E)(i)

- Maximum Sentence: 10 years (21 USC § 841(b)(1)(E)(i))
- Maximum Fine: \$500,000 (21 USC § 841(b)(1)(E)(i))
- Maximum Length of Supervised Release: 3 years (18 U.S.C. § 3583(b))
- Special Assessment of \$100 per felony count (18 USC § 3013(a)(2)(A))

Count 3: Possession with Intent to Distribute Anabolic Steroids, 21 U.S.C. §§ 841(a)(1) and (b)(1)(E)(i)

- Maximum Sentence: 10 years (21 USC § 841(b)(1)(E)(i))
- Maximum Fine: \$500,000 (21 USC § 841(b)(1)(E)(i))
- Maximum Length of Supervised Release: 3 years (18 U.S.C. § 3583(b))
- Special Assessment of \$100 per felony count (18 USC § 3013(a)(2)(A))

Count 4: Destruction, Alteration, and Falsification of Records in Federal Investigations, 18 U.S.C. § 1519

- Maximum Sentence: 20 years (§ 1519)
- Maximum Fine: \$250,000.00 (§ 3571(b))
- Maximum Length of Supervised Release: 3 years (§ 3583(b))
- Special Assessment of \$100 per felony count (§ 3013(a)(2)(A))

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: OAKLAND

FILED

Aug 16 2023

Mark B. Busby
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

UNITED STATES OF AMERICA,

V.

DANIEL JAMES HARRIS and
DEVON CHRISTOPHER WENGER

DEFENDANT(S).

INDICTMENT

21 U.S.C. §§ 846, 841(a)(1), and (b)(1)(E)(i) – Conspiracy to Distribute and Possess with Intent to Distribute Anabolic Steroids;
21 U.S.C. §§ 846, 841(a)(1), and (b)(1)(E)(i) – Attempted Possession with Intent to Distribute Anabolic Steroids;
21 U.S.C. §§ 841(a)(1) and (b)(1)(E)(i) – Possession with Intent to Distribute Anabolic Steroids;
18 U.S.C. § 1519 – Destruction, Alteration, and Falsification of Records in Federal Investigations
21 U.S.C. § 853 – Forfeiture Allegation

A true bill.

/s/ Foreperson of the Grand Jury

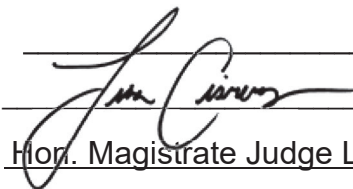
Foreman

Filed in open court this 16th day of

August



Brittany Sims, Clerk



Bail, \$ NO BAIL

Hon. Magistrate Judge Lisa J. Cisneros

FILED

Aug 16 2023

Mark B. Busby
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 4:23-cr-00268 HSG
)	
Plaintiff,	)	<u>VIOLATIONS:</u>
	)	21 U.S.C. §§ 846, 841(a)(1), and (b)(1)(E)(i) –
v.	)	Conspiracy to Distribute and Possess with Intent to
	)	Distribute Anabolic Steroids;
DANIEL JAMES HARRIS and	)	21 U.S.C. §§ 846, 841(a)(1), and (b)(1)(E)(i) –
DEVON CHRISTOPHER WENGER,	)	Attempted Possession with Intent to Distribute
	)	Anabolic Steroids;
Defendants.	)	21 U.S.C. §§ 841(a)(1) and (b)(1)(E)(i) – Possession
	)	with Intent to Distribute Anabolic Steroids;
	)	18 U.S.C. § 1519 – Destruction, Alteration, and
	)	Falsification of Records in Federal Investigations;
	)	21 U.S.C. § 853 – Forfeiture Allegation
)	

INDICTMENT

Introductory Allegations

At all times relevant to this Indictment:

1. The Antioch Police Department (“APD”) was the police department for the city of Antioch, located in the Northern District of California.
2. Daniel James HARRIS was a police officer with the APD in the city of Antioch, California.
3. Devon Christopher WENGER was a police officer with the APD in the city of Antioch, California.

INDICTMENT

1 4. HARRIS and WENGER communicated by text message about the delivery of anabolic
2 steroids, including on or about March 2, 2022 and March 9, 2022, to coordinate such an expected
3 delivery to customer B.M. WENGER also communicated with B.M. by text message about this
4 expected delivery on or about March 2, 2022.

5 5. At around 8:03 a.m. on March 23, 2022, local law enforcement and special agents with
6 the Federal Bureau of Investigation notified WENGER that they were outside his residence in order to
7 execute a search warrant. At around 9:00 a.m., law enforcement seized an Apple iPhone 12 from
8 WENGER pursuant to a search warrant issued by the Superior Court for Contra Costa County, State of
9 California.

10 6. As revealed by a subsequent electronic forensic review of the Apple iPhone 12,
11 WENGER's text messaging conversations with HARRIS and with B.M. were selectively deleted prior
12 to the seizure of WENGER's phone.

13 COUNT ONE: (21 U.S.C. §§ 846, 841(a)(1) and (b)(1)(E)(i) – Conspiracy to Distribute and
14 Possess with Intent to Distribute Anabolic Steroids)

15 7. Paragraphs 1 through 6 of this Indictment are re-alleged and incorporated as if fully set
16 forth here.

17 8. Beginning on a date unknown, but no later than in or about November 2019, and
18 continuing through in or about March 2022, in the Northern District of California and elsewhere, the
19 defendants,

20 DANIEL JAMES HARRIS and
21 DEVON CHRISTOPHER WENGER,

22 and others known and unknown to the Grand Jury, did knowingly and intentionally conspire to distribute
23 and possess with intent to distribute anabolic steroids, Schedule III controlled substances, in violation of
24 Title 21, United States Code, Sections 846, 841(a)(1), and (b)(1)(E)(i).

25 COUNT TWO: (21 U.S.C. §§ 846, 841(a)(1) and (b)(1)(E)(i) – Attempted Possession with Intent
26 to Distribute Anabolic Steroids)

27 9. Paragraphs 1 through 4 of this Indictment are re-alleged and incorporated as if fully set
28 forth here.

10. On or about March 1, 2022, in the Northern District of California, the defendant,
DANIEL JAMES HARRIS,
did knowingly and intentionally attempt to possess with intent to distribute anabolic steroids, Schedule
III controlled substances, in violation of Title 21, United States Code, Sections 846, 841(a)(1), and
(b)(1)(E)(i).

COUNT THREE: (21 U.S.C. § 841(a)(1) and (b)(1)(E)(i) – Possession with Intent to Distribute Anabolic Steroids)

11. Paragraphs 1 through 4 of this Indictment are re-alleged and incorporated as if fully set forth here.

12. On or about March 23, 2022, in the Northern District of California, the defendant,
DANIEL JAMES HARRIS,
did knowingly and intentionally possess with intent to distribute anabolic steroids, Schedule III
controlled substances, in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(E)(i).

COUNT FOUR: (18 U.S.C. § 1519 – Destruction, Alteration, and Falsification of Records in Federal Investigations)

13. Paragraphs 1 through 6 of this Indictment are re-alleged and incorporated as if fully set forth here.

14. In or about March 2022, in the Northern District of California, the defendant,
DEVON CHRISTOPHER WENGER,
did knowingly alter, destroy, mutilate, conceal, cover up, falsify, and make a false entry in any record,
document, and tangible object, to wit, text messaging communications stored on his Apple iPhone 12,
with the intent to impede, obstruct, and influence the investigation and proper administration of any
matter within the jurisdiction of the Federal Bureau of Investigation, an agency of the United States, and
in relation to or contemplation of any such matter or case, in violation of Title 18, United States Code,
Section 1519.

//

//

//

1 FORFEITURE ALLEGATION: (21 U.S.C. § 853(a))

2 15. The allegations contained above are hereby re-alleged and incorporated by reference for
3 the purpose of alleging forfeiture pursuant to Title 21, United States Code, Section 853(a).

4 16. Upon conviction of any of the offenses alleged in Counts One through Three above, the
5 defendant,

6 DANIEL JAMES HARRIS and
7 DEVON CHRISTOPHER WENGER

8 shall forfeit to the United States all right, title, and interest in any property constituting and derived from
9 any proceeds defendant obtained, directly or indirectly, as a result of such violations, and any property
10 used, or intended to be used, in any manner or part, to commit or to facilitate the commission of such
11 violations, including but not limited to a forfeiture money judgment. If any of the property described
12 above, as a result of any act or omission of the defendant:

- 13 a. cannot be located upon exercise of due diligence;
14 b. has been transferred or sold to, or deposited with, a third party;
15 c. has been placed beyond the jurisdiction of the court;
16 d. has been substantially diminished in value; or
17 e. has been commingled with other property which cannot be divided without
18 difficulty,

19 the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21,
20 United States Code, Section 853(p).

21 All pursuant to Title 21, United States Code, Section 853, and Federal Rule of Criminal
22 Procedure 32.2.

23 //

24 //

25 //

26 //

27 //

1 DATED: August 16, 2023

A TRUE BILL.

2
3
4
5 ISMAIL J. RAMSEY
United States Attorney

/s/
FOREPERSON
San Francisco

6
7 /s/
ERIC CHENG
8 AJAY KRISHNAMURTHY
ALETHEA SARGENT
9 Assistant United States Attorneys